

# Public Trust INSTITUTE

November 29, 2018

Colorado Ethics Commission  
1300 Broadway, Suite 240  
Denver, CO 80203

## **Re: Governor Hickenlooper Gift Violations (Case No. 18-22)**

Dear Commissioners:

On November 21, 2018, Governor Hickenlooper provided a Response (“Response”) to the Complaint filed by the Public Trust Institute (“PTI”) with the Colorado Independent Ethics Commission (“IEC” or “Commission”). This letter provides material facts, evidence and information relevant to the Commission’s review of Governor Hickenlooper’s Response.

Governor Hickenlooper’s Response provides a creative narrative for each restricted gift he has accepted over the past 12 months. However, Governor Hickenlooper’s excuses do not stand up to the facts and evidence now before the Commission. For instance:

- Governor Hickenlooper claims to have “personally paid for Bilderberg conference expenses” **but in truth** that amount is only for his airline and hotel costs meaning that Fiat Chrysler Corporation still paid for the principal expense- his conference package. That fact is creatively ignored over in the Response.
- Governor Hickenlooper claims his private jet travel to Connecticut was a gift from an individual friend **but in truth** the \$30 million dollar jet is owned and operated by a large Colorado corporation and so the “special occasion” exception does not even apply.
- Governor Hickenlooper claims his private travel to Texas on a \$19 million dollar private jet constituted “lawful consideration” or “honorarium” for his services officiating a wedding **but in truth** this event was not even a wedding and a corporation cannot even give a gift under the “special occasion” exception.
- Governor Hickenlooper claims his private jet travel from Washington DC to Jackson Hole was a “special occasion” based on the fact that he and his Chief of Staff had a “shared need to return west from Washington DC” **but in truth** there are no facts substantiating this as a special occasion and if the jet was paid for by a corporation the special occasion exception does not even apply.
- Governor Hickenlooper claims his gifts from American Enterprise Institute (“AEI”) were gifts to the state **but in truth** he did not even disclose what the gifts were that the Commission is supposed to rule upon or substantiate how these gifts are allowable since they are from a non-profit that has accepted over 5% of donations from for-profit corporations.

While most covered employees across the state will not even allow another person to pay for his or her lunch to ensure compliance with Amendment 41, the Governor of the state routinely accepted flights on corporations' multi-million dollar jets. The evidence unequivocally demonstrates that Governor Hickenlooper repeatedly violated Amendment 41 and must be held accountable just like any other covered official in the state.

The Response calls special attention to the fact that the Complaint documents illegal flights Governor Hickenlooper accepted during his first seven years in office. These included private jets from Vail to San Francisco to attend the Super Bowl, multiple international flights on Colorado-based Liberty Media Corporation jets, a corporate jet to a hunting expedition, a corporate jet to see an Eagles concert, etc. The Complaint made clear that these instances fall outside the Commission's one-year jurisdiction for assessing a violation. However, for the Governor to claim these prior unethical acts are not relevant and that we should all just pretend they do not exist is disingenuous. Governor Hickenlooper's pattern of illegal travel activities match the exact same type of travel activity at the center of the Complaint and are absolutely facts about which the Commission should be aware.

In light of the facts and evidence set forth in the Complaint and Response, the following gifts remain evidenced violations of Amendment 41:

1) **Bilderberg Conference Costs Paid for by Corporation are Amendment 41 Violation**

The Response repeatedly states that Governor Hickenlooper paid for all expenses related to the Bilderberg Conference: "[b]ecause Governor Hickenlooper personally paid to attend this conference, all aspects of that conference (including meals and activities) were paid for by him." (Response, page 6.) This is false. The Response exhibits show that Governor Hickenlooper paid only for the airfare and hotel expenses, but he did not pay for or reimburse the principal benefit at issue in the Complaint: the conference costs which Bilderberg itself states are paid for by the Fiat Chrysler corporation.

The Bilderberg Meeting was an elaborate international event with significant hospitality costs (Maserati limos, elaborate parties, paid speakers, conference meals, etc.). The Bilderberg Meetings website expressly states that all of the hospitality costs are paid for by Fiat Chrysler (Complaint, Exhibit C). Governor Hickenlooper attended the conference and hospitality events and the costs associated with him participating in the conference are a gift that far exceeds \$59.

In fact, the Response acknowledges that Governor Hickenlooper accepted an "all-inclusive conference package" from Fiat Chrysler attempting to justify Governor Hickenlooper's chauffeured Maserati ride in Italy, stating that the "car service referenced was provided as part of the all-inclusive conference package; no separate charge was assigned to the use of this transportation service." (Response, Page 5). A corporation paid for Governor Hickenlooper's "conference package," which included the transportation service, meals, meeting rooms, paid speakers, activities, etc. in direct violation of Amendment 41.

The IEC has made clear that the cost of a conference is a gift subject to Amendment 41 constraints (*See* Indep. Ethics Comm’n Letter Ruling 16-02 ruling that cost of attending an oil and gas conference is a benefit subject to Amendment 41 restrictions and cannot be waived; *see also* Indep. Ethics Comm’n Letter Ruling 10-01 ruling that event costs are subject to Amendment 41 restrictions and cannot be given by scholarship to covered officials.) Governor Hickenlooper’s Bilderberg Meeting conference costs, paid for by a for-profit corporation, were gifts in clear violation of Amendment 41.

## **2) MDC Holdings Corporate Plane Costs Are an Amendment 41 Violation**

Governor Hickenlooper provides numerous justifications for flying on an MDC Holding corporate jet to attend an event, but none allow him to accept this gift from a for-profit corporation. It may have been wholly proper for the Governor to attend this event and it may have been appropriate for the state to pay for his airfare costs, but that still does not create a legal justification for accepting a private jet flight from a for-profit corporation. As the Commission more succinctly stated in a recent ruling:

The Commission has previously stated that the public functions of government are properly paid for with public resources. This principle is derived from the underlying purpose of Article XXIX as set forth in Section 1(2): “The people of the state of Colorado also find and declare that there are certain costs associated with holding public office and that to ensure the integrity of the office, such costs of a reasonable and necessary nature should be born by the state or local government.”

(Indep. Ethics Comm’n Advisory Opinion 16-02 ruling that Governor Hickenlooper cannot accept reimbursement costs from a for-profit corporation for a conference event in Italy.) Governor Hickenlooper focused his response on whether this event was appropriate for him to attend when in reality the issue is whether his means of travelling there were lawful.

The commissioning of the U.S.S. Colorado is indeed a special occasion. Special for our country and special for the men and women serving on the submarine. It is not an occasion for Governor Hickenlooper to use as justification for his illegal corporate jet travel.

### **a) MDC Holdings Gift Was Not Made to a Government Entity**

The Response attempts to justify the private jet travel as a gift to the state, not the Governor. The Commission has recognized an exemption for gifts given to the governmental entity rather than to the covered individual, however, in this circumstance the travel does not qualify under the Commission’s five-part test.<sup>1</sup> First, the offer to fly with MDC Holding CEO Larry Mizel on the corporate jet was to a specific individual, Governor Hickenlooper, and not to a government entity. In

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<sup>1</sup> The Commission considers the following five factors: 1) whether the offer is to a specific individual or to a government entity; 2) whether the offer is *ex officio*; 3) whether the event is related to the public duties of the covered individual; 4) whether there is an appearance of impropriety; and 5) whether the purpose of the trip is educational to conduct the government business. (Indep. Ethics Comm’n Position Statement 12-01.)

fact, while many of Colorado's elected officials travelled as part of the state's official delegation, Governor Hickenlooper was the only member of Colorado's delegation to whom the offer of private jet travel was made.

As confirmed in the Response, Governor Hickenlooper provided remarks at the federal event and so an invitation to fly on the corporate jet was to him specifically. In addition, as the Response states, MDC Holdings CEO Larry Mizel is a close personal friend of Governor Hickenlooper's; "[t]he two have known each other for well over a decade and are social and personal friends." (Response, Page 8.) Further evidencing the fact that this offer was made to one individual and cannot plausibly be claimed as an invitation to the government entity or *ex officio*.

This situation also fails under the fourth factor of the test, the appearance of impropriety standard. Any time a Colorado corporation pays to fly a covered state official on a corporate jet there is an appearance of impropriety. In this case, the appearance of impropriety is particularly significant based on the fact that MDC Holdings controls Colorado's largest homebuilder, Richmond Homes. MDC Holdings and Richmond Homes, as Colorado's largest homebuilder has homes in 76 communities in Colorado. The companies are directly impacted by state legislation, regulations and Executive Orders. As such, MDC Holdings and Richmond Homes have employed state lobbyists directly and through state associations and MDC Holdings' executives have given substantial political contributions to Governor Hickenlooper. MDC Holdings and Richmond Homes are directly regulated by the executive branch of the State of Colorado as evidenced by prior enforcement actions and Consent Decrees involving MDC Holdings and the State of Colorado.

It is a violation of Amendment 41 for a Governor to accept airfare expenses from a for-profit corporation when the invitation was to the individual and not to the state. (*See* Indep. Ethics Comm'n Advisory Opinion 16-02.) In addition, there is a significant appearance of impropriety involved with Governor Hickenlooper accepting this gift from a corporation that is directly and significantly impacted by Colorado law and Executive Branch action. Even if Governor Hickenlooper's participation in the underlying event is wholly proper, it does not justify Governor Hickenlooper flying on a corporate jet to get there. If his participation was an official function, the state should have paid for his expenses with public resources.

#### **b) Gift from Corporation Cannot Qualify Under "Special Occasion" Exception**

Immediately after claiming the gift was made to the state and not to Governor Hickenlooper as an individual, the Response pivots and claims that the gift was given to Governor Hickenlooper as a "personal friend" for a "special occasion." Setting aside the Governor's conflicting justifications, the gift does not qualify under the "special occasion" exception because this gift was given by a corporation and not an individual.

The "special occasion" exception applies to gifts "[g]iven by an individual who is a relative or personal friend of the recipient on a special occasion." (Colo. Const. art. XXIX, §3(3)(g) (emphasis added).) Governor Hickenlooper flew on MDC Holdings' \$30 million-dollar corporate plane.<sup>2</sup>

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<sup>2</sup> FAA Registry #N333MX - Dassault Falcon 2000EX. Price New: \$30 Million. Retrieved at: <https://www.bjtonline.com/aircraft/dassault-falcon-2000ex-easy#>

The benefit in excess of \$59 was from MDC Holdings corporation and not an individual. No matter how close Governor Hickenlooper is to Mr. Mizel and no matter how special this occasion was, this exemption does not allow a covered official to accept a gift from a corporation.

Even if Mr. Mizel paid for the use of the jet personally, this gift would not qualify under the Commission's established standard for applying the "special occasion" exception:

As the Commission has previously stated, the "special occasion" exception applies only if: (1) It can be shown under all of the relevant circumstances that it is a family or personal relationship rather than the governmental position that is the controlling factor; **and** (2) The public official's or employee's receipt of the gift or other thing of value would not result in or create the appearance of: (a) Using his or her office for personal benefit; (b) Giving preferential treatment to any person or entity; (c) Losing independence or impartiality; or (d) Accepting gifts or favors for performing official duties.

(Indep. Ethics Comm'n Advisory Opinion 13-01, citing Indep. Ethics Comm'n Advisory Opinion 11-08). The Response itself admits that the first criteria cannot be met. The criteria only allows the "special occasion" exception if the gift is based on a family or personal relationship. The Governor's Response makes clear that the trip was based on his role as Governor and not as a personal friend: "It was not provided to Hickenlooper for any purpose other than to facilitate his role as Governor..." (Response, Page 7); "The trip necessarily involved the Governor as the state's designee, conferring an institutional benefit to the state." (Response, page 8); "It was clearly related to his public duties..." (*Id.*). The Governor's response makes clear that he made the trip as Governor and not as a personal friend and the first criteria cannot be met.

The second criteria cannot be met either. The "special occasion" exception can only apply if the gift does not create an appearance of impropriety. As detailed above, this gift is from a corporation that owns the largest real estate development company in Colorado, that is regulated by the state, and that is involved with regulatory and Executive Branch matters with the state. The gift therefore creates substantial conflict of interest and impropriety concerns.

### **3) TTECH Jet Costs Restricted by Amendment 41**

The Response concedes that the January 10<sup>th</sup> private flight was a gift and argues that the exemption for gifts given for a "special occasion" applies. PTI acknowledges that the "special occasion" exception should apply to any situation in where a covered official needs to attend to a family members' medical emergency. In this case, if the Commission determines that Governor Hickenlooper's corporate flight from New Jersey to Colorado was necessary to address "personal stress or trauma" (Response, page 10) PTI will accept that conclusion. PTI does believe certain facts are relevant to the Commission's review.

The Response states that the private jet was necessary because "the Governor did not have unlimited time to spend with [his wife]" during her recuperation in New York, from January 8-10. (Response, Page 9). The Governor's calendar shows the Governor attended a variety of meetings and events during this time frame. On January 8<sup>th</sup> he had lunch with Vernon Jordan, former advisor

to President Bill Clinton. On January 9<sup>th</sup> he was interviewed for two live segments of MSNBC's "Money Power Politics." On January 10<sup>th</sup>, Governor Hickenlooper attended a Bloomberg Philanthropies event and provided remarks. These facts impact Governor Hickenlooper's argument that a private jet was necessary on the basis of his available time.

The Response also states that the private jet was necessary because "Hickenlooper also needed an expedited, reliable return to Colorado" to deliver his State of the State speech the following day. (Response, page 9). The commercial flights for this trip were booked weeks in advance and it is not clear why a commercial flight would not suffice for the Governor to attend his prescheduled speech in Colorado. According to flydenver.com, there were 17 direct flights from New York to Denver the day Governor Hickenlooper flew on a private plane.

In addition, there is the issue of what person or entity provided the gift. The Response simply states that the jet was "provided by" Kenneth Tuchman. Mr. Tuchman is CEO of TTEC, one of the largest corporations based in Colorado. According to TTEC's Form 10-K filing with the Securities and Exchange Commission, the corporation leases flight services from two LLCs (with Mr. Tuchman having a 100% ownership interest in both):

#### (21) RELATED PARTY TRANSACTIONS

The Company entered into an agreement under which Avion, LLC ("Avion") and Airmax LLC ("Airmax") provide certain aviation flight services as requested by the Company. Such services include the use of an aircraft and flight crew. Kenneth D. Tuchman, Chairman and Chief Executive Officer of the Company, has a 100% beneficial ownership interest in Avion and Airmax. During 2017, 2016 and 2015, the Company expensed \$1.1 million, \$1.0 million, and \$1.7 million, respectively, to Avion and Airmax for services provided to the Company. There was \$375 thousand in payments due and outstanding to Avion and Airmax as of December 31, 2017.<sup>3</sup>

If the expense for Governor Hickenlooper's use of the jet was paid for by TTEC, Avion, or Airmax, the gift was from that corporation, not an individual, and the "special occasion" exception cannot apply, as explained in Paragraph 2b above.

#### **4) Kimbal Logistics Corporation Jet Costs are an Amendment 41 Violation**

The Response contends that Governor Hickenlooper flew on a private jet owned by Kimbal Logistics LLC to officiate at a wedding and argues that the gift in excess of \$59 was permissible under three separate exemptions.

##### **a) Gift from Corporation Cannot Qualify Under "Special Occasion" Exception**

First, the Response claims the "special occasion" exception applies but also confirms the aircraft is owned by a corporation: "Aircraft N278PC is registered to Kimbal Logistics LLC." (Response,

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<sup>3</sup> 2017 10-K SEC Filing –March 2018 available at: <http://investor.teletech.com/phoenix.zhtml?c=78202&p=irol-sec>

page 10.) As explained in Paragraph 2b above, the “special occasion” exception only applies to gifts given by an individual. In this case, the plane is owned by, and the gift given by, a limited liability corporation, therefore the “special occasion” exemption cannot apply.

**b) Attending a Party is Not Lawful Consideration for Flying on a \$19 million Bombardier Jet<sup>4</sup>**

Second, the Response claims that Governor Hickenlooper’s “services” as wedding officiant constitute “lawful consideration” for the cost of the jet travel, and therefore fall under an exemption to the gift ban recognized by the Commission. This desperate attempt has several factual problems. For one, there was not a “wedding” for Governor Hickenlooper to “officiate.” Numerous news outlets report that the high-profile wedding of Kimbal Musk occurred in Spain on June 30, 2018, and that this was in fact a party at a Dallas restaurant to celebrate the wedding. The Governor did not provide services that would be close to justifying lawful consideration for the cost of flying on a corporate jet. Furthermore, the non-wedding officiant services were provided to Kimbal Musk and his wedding partner personally, while the flight was provided to Governor Hickenlooper from a corporate entity, so the argument that he provided lawful consideration for a corporate gift is not only factually wrong but does not even apply.

**c) Flying on a \$19 million Bombardier Jet is Not proper Consideration for Officiating a Party**

Third, the Response claims that the private jet travel “constituted an honorarium” because “[o]fficiating at a wedding is not part of the job of being Governor.” (Response, Page 11). Again, the first problem is that he attended a party, not a wedding, making it especially unclear how Governor Hickenlooper flight’s on a corporate jet to attend a party constitutes an honorarium. The amount of the honorarium must be “reasonably related to the services the public employee or official is being asked to perform,” which “can be deemed to be lawful consideration of equal or greater value.” (Indep. Ethics Comm’n Position Statement 08-01.) The corporate jet expense is not reasonably related to the speaking role the Governor had at a party, nor were his non-wedding officiant services lawful consideration of equal or greater value than the corporate jet transportation. Furthermore, the Governor’s services were provided to Kimbal Musk, but the gift was given to the Governor by the LLC. The cost of corporate jet travel is not reasonably related to whatever services the Governor provided at the party, and the LLC received no lawful consideration for its gift to Governor Hickenlooper, therefore the honorarium exception does not apply. The Governor improperly accepted this gift in violation of Amendment 41.

**d) More Than a “Scintilla of Evidence” that Musk Flight(s) Constitute Conflict of Interest and Appearance of Impropriety**

In the Response, particular offense is taken to the fact that the Complaint mentions Kimbal Musk’s family and business relations. These facts are relevant. Kimbal Musk sits on the Board of

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<sup>4</sup> FAA Registry #N278PC – Bombardier BD-100-1A10 Challenger 300. Price New: \$19 Million. Retrieved at: <https://www.aopa.org/news-and-media/all-news/2013/october/pilot/quick-look-bombardier-challenger-300>

Tesla, Inc. and is a significant shareholder (as of October 1, 2018 he directly owned 150,208 shares in the company, valued at an average price of \$306 for an approximate total of \$45,963,648).<sup>5</sup> On June 19, 2018, two months after Governor Hickenlooper accepted the gift of a corporate jet flight to attend the party celebrating the wedding of Kimbal Musk, Governor Hickenlooper signed Executive Order B 2018 006 that unilaterally established a Colorado Low Emissions Vehicle Program (LEV) which will provide direct and substantial financial benefits to Tesla, Inc. when implemented. In addition, Kimbal Musk sits on the board of Chipotle Mexican Grill and owns at least four restaurants in Colorado. Not only was accepting the gift of this private travel a violation of Amendment 41 because it was given by a corporation, the fact that Kimbal Musk directed the gift to be given creates an appearance of impropriety.

#### **5) Meyers/Consumer Capital Partners Jet Costs are an Amendment 41 Violation**

The Response states that Governor Hickenlooper's private jet to Jackson Hole, Wyoming to attend an event at the AEI symposium was provided by his Chief of Staff Patrick Meyers. The Response fails to include information relevant to this gift that demonstrate the "special occasion" exemption cannot apply.

##### **a) If Corporation Leased Jet, "Special Occasion" Exception Cannot Apply**

As the Governor's office website notes, Patrick Meyers serves not only as Chief of Staff to the Governor but also "is an owner of and involved with [Consumer Capital Partners]'s newest venture, Smashburger...."<sup>6</sup> If this private jet was leased by a corporation, and the expense paid by a corporation, the "special occasion" exemption does not apply, as explained in Paragraph 2b above. Knowing who leased and paid for this jet is an essential piece of information. The Commission should determine who leased and paid for the jet to determine who provided the gift to Governor Hickenlooper.

##### **b) Even if Meyers Leased Jet, "Special Occasion" Exception Does Not Apply**

Even if the jet expense was paid by Mr. Meyers personally and not a corporation, the facts presented in the Response make abundantly clear that this situation has no factual basis for being deemed a "special occasion." The Response claims that Mr. Meyers and Governor Hickenlooper had a "shared need to return west from Washington D.C." and the Governor just "used an empty seat on that plane" as the rationale for meeting the "special occasion" exemption. (Response, Page 12). Under this reasoning, any covered official could ride on a private jet provided it is going where they want it to go and there is an extra seat. The Response does not offer any basis for why this constitutes a "special occasion" and instead attempts to highlight how broadly the term "special occasion" has been interpreted. The Commission has made clear that there are limitations to applying the "special occasion" exception:

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<sup>5</sup> SEC filing disclosing recent sale and share ownership available at:

<https://www.sec.gov/Archives/edgar/data/1318605/000149473118000004/xslF345X03/edgardoc.xml>

<sup>6</sup> Available at: <https://www.colorado.gov/governor/patrick-meyers>.



Although the Commission generally has interpreted the special occasion exception broadly, rejecting limits on the definitions of friends and relatives or a list of permissible occasions, the IEC believes that a more stringent adherence to the special occasion criteria is warranted.

(Indep. Ethics Comm'n Advisory Opinion, 13-01.) In this instance, there is no "special occasion" other than the fact that it was more convenient to take a private flight and use "an empty seat on that plane." This private jet travel expense was an impermissible gift under Amendment 41 whether it was given by a corporation or Mr. Meyers.

#### **6) AEI Expenses and Jet Costs**

The Response admits that AEI paid Governor Hickenlooper's "expenses" for a Jackson Hole retreat, "including Hickenlooper's return trip from Jackson Hole to Denver." (Response, Page 12).

AEI is a non-profit corporation that received contributions of \$43.6 million in 2017, having raised \$6.7 million from corporate donors.<sup>7</sup> Since AEI receives more than 5% of its contributions from for-profit sources, these gifts do not fall under the non-profit exemption provided in Colo. Const. art. XXIX §3(3)(f). The gifts could be permissible as gifts to the state, not the individual, as argued in the Response, however, the Commission requires additional details related to the five factors that it will consider to determine whether this exemption applies, including the nature of the events attended by the Governor during the retreat.

The Response itself provides facts that preclude these gifts from even qualifying under the five-part test. The Response clearly states that the invitation and trip were designed for the Governor's attendance and not a designee of an agency or governmental entity. The Response plainly states that the AEI trip "necessarily involved the Governor" (Response, page 12), demonstrating that the invitation and related gifts were to the Governor individually and were not to a designee of an agency or governmental entity.

The Response argues that the undefined gifts were nevertheless appropriate because there "was clearly a public purpose related to the Governor's performance of his official duties." (Response, page 12.) If that is true, then the Commission's position on who should pay for such public functions applies here as well. "The Commission has previously stated that the public functions of government are properly paid for with public resources." (Indep. Ethics Comm'n Advisory Opinion 16-02 ruling that Governor Hickenlooper cannot accept reimbursement costs from a for-profit corporation for a conference event in Italy.) In this case, if the Governor's activities related to AEI were "official duties" as he declares, the state, not AEI, should have paid for the "expenses," "including Hickenlooper's return trip from Jackson Hole to Denver." (Response, Page 12).

Governor Hickenlooper's Response demonstrates that additional information is needed for the Commission to review the legality of the AEI gifts under the IEC's established legal standards. These facts would seemingly need to include the Governor's official activities at the event, whether the announcement of his speech was published ahead of time, and the exact list of AEI expenses

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<sup>7</sup> AEI Annual Report, available at: <http://www.aei.org/about/annual-report/>.

that the Commission is being asked to rule upon. Once these facts are disclosed, the Commission would be in a position to determine whether it was appropriate for the Governor to accept these +\$59 gifts from a non-profit corporation that accepts over 5% of contributions from for-profit corporations.

#### **7) Prior Jet Travel is Relevant**

The Complaint includes many instances where Governor Hickenlooper flew on a corporate jet in apparent violation of Amendment 41 over 12 months ago. These jets flew the Governor to a Super Bowl, chamber events, international events, a hunting expedition, and an Eagles concert.

PTI acknowledged in the Complaint that the Commission's jurisdiction to assess a violation is limited to the prior 12-month period and PTI did not provide this additional evidence to "impact reputations." Instead, PTI provided the Commission with this evidence because it demonstrates a clear pattern of Amendment 41 violations based on the same jet travel conduct set forth in the Complaint. It would not be appropriate to withhold these relevant facts from the Commission and the public has a right to know these facts.

#### **8) Disclosure**

Governor Hickenlooper is responsible for reporting certain "gifts" in accordance with C.R.S. § 24-6-203, including any gifts that are not exempted from Amendment 41 and including any gifts that are deemed to be given to the state rather than to Governor Hickenlooper.

#### **Conclusion**

The facts and evidence set forth above demonstrate multiple Amendment 41 violations committed by Governor Hickenlooper over the prior 12-month period. The evidence not only substantiates the specific claims set forth above, but also demonstrate an overwhelming need for the Commission to review all of Governor Hickenlooper's records related to benefits he has received as gifts valued over \$59. Governor Hickenlooper routinely accepted gifts over \$59 and it necessary to review the full scope of these violations rather than just a narrow subset of violations the public is able to piece together through public records.

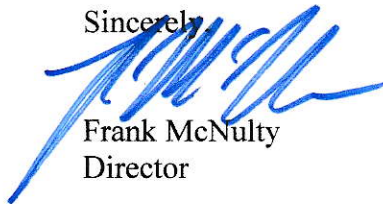
The Commission can obtain information that is not publicly-available in fulfilling its duties as an independent body charged with the enforcement of Amendment 41, including the authority to receive evidence at a hearing by witness or documents and the power to subpoena documents and witnesses. (IEC Rules of Procedure 8(E).) As such, and in accordance with Rule 8(E), PTI hereby requests that the IEC subpoena the production of documentary evidence from Governor Hickenlooper disclosing all records related to any travel and event benefits that cost over \$59 that he has received which he did not pay for in advance.

Without a complete review by the Commission, public trust in government will suffer and additional Amendment 41 violations against Governor Hickenlooper will emerge. This approach does not serve the interests of Colorado and would be highly inefficient. For instance, after submitting the Complaint on October 12, 2018, PTI discovered another recent instance of Governor

Hickenlooper flying on a private jet. On October 11, 2018, one day before the IEC complaint was filed, Governor Hickenlooper flew on a private flight from Washington Dulles Airport to Centennial. This trip follows the pattern of disclosing commercial flight details and obscuring private flight details. (PTI today submitted this violation under a new Formal Complaint Form). PTI urges the Commission to review all gifts Governor Hickenlooper has received that are valued over \$59 so that this matter can be drawn to a full and proper resolution.

Governor John Hickenlooper violated Amendment 41 as set forth above. The increasingly extensive record before the Commission demonstrates the fact that violations have occurred, and further investigation is required by the Commission to define the full scope of these violations. Thank you again for your review of this critical matter.

Sincerely,



Frank McNulty  
Director